made upon the "eve of marriage" or "in contemplation of marriage." The interpretation of these phrases has undergone a marked change. Formerly, the wife could not recover unless the conveyance had been made during the engagement period or, at least, during the courtship. *Butler v. Butler* (1879) 21 Kan. 521; *Gainor v. Gainor* (1868) 26 Ia. 337, overruled in *Beechley v. Beechley* (1907) 134 Ia. 75, 108 N. W. 762; *cf. Allen v. Allen* (1912) 213 Mass. 29, 99 N. E. 462. The principal case represents the modern interpretation that the conveyance is invalid even if made before acquaintance with the wife, provided the husband's intention, at the time, was to defeat the marital rights of any person he might later marry. *Higgins v. Higgins* (1905) 219 Ill. 146, 76 N. E. 86; *Beechley v. Beechley, supra.* This extension has led to a change of view as to origin. Under the earlier rule, the right seemed to spring from the peculiarly confidential relationship between persons already affianced, a relationship in which the law imposed a duty to refrain from any act exhibiting bad faith. *Ward v. Ward* (1900) 63 Oh. St. 125, 57 N. E. 1095. This reason loses its true ring when the parties may, at the time of the conveyance, be utter strangers. Of late, therefore, the courts have been reasoning on the analogy of a voluntary conveyance, with the intent to defraud future creditors, by one who contemplates contracting debts. *Deke v. Huenkemeier, supra; McAulay v. McAulay* (1913) 96 S. C. 86, 79 S. E. 785. It would seem that the principal case can best be supported on this ground.

LIBEL AND SLANDER—LIABILITY OF CORPORATION.—The manager of the defendant corporation accused his predecessor, the plaintiff, of theft of property belonging to the corporation, and directed a search of his goods. The plaintiff joined the corporation and its manager as co-defendants in an action for slander. *Held,* that both defendants were liable, the corporation because its agent had acted within the scope of his employment. *Cotton v. Fisheries Products Co.* (1918, N. C.) 97 S. E. 712.

Distinction is no longer made between the liability of a corporation and of a natural person for the torts of agent and servants. *Goodspeed v. East Haddam Bank* (1853) 22 Conn. 530; *Denver & R. G. Ry. v. Harris* (1887) 122 U. S. 597, 7 Sup. Ct. 1286. That corporations of earlier days were in general exempted from such liability may be explained by their being then mostly of a public or charitable nature; a ground no longer applicable. See 7 R. C. L. 682. Some recent writers, admitting that private corporations can be held for most torts, would make an exception of slander, on the ground that one cannot slander by deputy. Townshend, *Slander and Libel* (4th ed., 1890) 474; Jaggard, *Torts,* 170; *contra,* Newell, *Slander and Libel* (3d ed., 1914) 436. This hardly seems tenable. The rule that a slanderer is not liable for repetitions by his hearer is wholly a limitation imposed by policy on a liability which would normally otherwise exist. But suppose the slanderer expressly authorized a repetition to a third party; or suppose he drilled an innocent person who was ignorant of the language, and got such person to publish the words: would he not be answerable for the slander in the repetition? There is more foundation for the limitation imposed by some courts, that the corporation is not to be held for mere loquacity in its agents, and is not liable unless it has authorized or ratified the particular act of uttering the slander. *Behre v. National Cash Register Co.* (1897) 100 Ga. 213, 27 S. E. 986; *McIntire v. Cudahy Packing Co.* (1913) 179 Ala. 404, 60 So. 848. But so long as the law is settled the other way, for individuals and corporations, in other torts generally and even in libel, there seems to be little reason to make a lonesome exception of spoken defamation. *Hypes v. Southern Ry.* (1909) 82 S. C. 315, 64 S. E. 695, 21 L. R. A. (N. S.) 873. The more consistent view is that of the instant decision, for which there is ample authority. *Payton v. People's Credit Clothing Co.*

(1909) 136 Mo. App. 577, 118 S. W. 531; *Waters Pierce Oil Co. v. Bridewell* (1912) 103 Ark. 343, 147 S. W. 64. On the master's criminal liability for the acts of his servant, see *supra, sub tit.* CRIMINAL LAW; on damages for slander see (1918) 27 YALE LAW JOURNAL, 701.

POLICE POWER — CONTAGIOUS DISEASES — COMPULSORY PHYSICAL EXAMINATION.—Acting under general statutory powers to safeguard the public health, a local board of health adopted a rule that persons suspected of having venereal disease should be detained for physical examination, including the "Wasserman test," which involved taking a blood-sample; if the examination disclosed infection, the infected person was to be restrained at a house of detention until the city's physician authorized release. The plaintiff, arrested on a charge of lewdness, was held for examination under the above ruling, on order of the board. He instituted proceedings in *habeas corpus. Held,* that the restraint amounted to deprivation of liberty without due process of law. *Wragg v. Griffin* (1919, Iowa) 170 N. W. 400.

The principal case presents the question as to how far liberty and privacy of the person may be encroached upon under the police power in the interests of public health. Under proper statutes, general vaccination may be ordered by a board of health, when deemed advisable. *Herbert v. School Board* (1916) 197 Ala. 617, 73 So. 321. For failure to submit, a penalty or a quarantine may be imposed. See 12 R. C. L. 1287, 1290. Such quarantine seems ample to prevent contagion; and forcible vaccination has never been upheld in this country. See 17 L. R. A. (N. S.) 709, note; 25 L. R. A. 152, note. In this connection see also *Rhea v. Board of Education* (1919, N. D.) 171 N. W. 103, noted next month, RECENT CASE NOTES, *sub tit.* STATUTORY CONSTRUCTION. There is no question that persons known to have venereal, or any other contagious or infectious disease, may be subjected to quarantine, under criminal penalty. See 12 R. C. L. 292; 26 L. R. A. 489, note; Cal. Pen. Code 1909, sec. 394. And a person suffering from disease may have his liberty infringed in other ways. *Peterson v. Widule* (1914) 157 Wis. 641, 147 N. W. 966, Ann. Cas. 1916B 1040 (male, to procure marriage license, must file physician's certificate of freedom from venereal disease); (Ind.) Burns' Ann. St. 1914, secs. 2250, 2251 (epileptic forbidden sexual intercourse). But doubt arises regarding forcible detention, on mere suspicion, for purposes of examination. Compulsory denuding of the person has been held unconstitutional where its purpose was to secure evidence which might lead to restraint of liberty, or to punishment. *State v. Height* (1902) 117 Ia. 650, 91 N. W. 935; 5 Jones, *Evidence,* 344; but see *O'Brien v. State* (1890) 125 Ind. 38, 25 N. E. 137. But it may be questioned whether detention under quarantine is sufficiently in the nature of a penalty to bring this case within the law on self-incrimination. And the court intimates that had the legislature expressly permitted such action as that of the board, it might have been valid. The independent acts of a board of health, however, are limited to such as are essential to protect the public. *State v. Speyer* (1895) 67 Vt. 502, 32 Atl. 476; *Wong Wai v. Williamson* (1900, N. D. Cal.) 103 Fed. 1; see also Freund, *Police Power,* 133, 138. Physical examination on suspicion may come to be considered essential; but the principal case seems decidedly more in keeping with our traditions in not allowing this power to a board of health until the legislature has spoken clearly. It is worth note that this practice, though applied to prostitutes these many years, was only questioned when the shoe began to pinch a man.

RECEIVERS—ALLOWANCE OF CLAIMS.—One English, having contracted with the United States to erect buildings on a military reservation in Arizona, gave bond, with the Ætna Indemnity Company of Connecticut as surety, as required by Act of Congress of August 13, 1894, ch. 280, amended by Act of February 24,